



INDIANA DEPARTMENT OF TRANSPORTATION
Professional Services Bulletin
ON LINE

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FRANK O'BANNON, Governor
J. BRYAN NICOL Commissioner

Professional Services Bulletin - 2002- No. 03

February 8, 2002

This "Professional Services Bulletin" is the official notice of professional services requested by the Indiana Department of Transportation (INDOT). You may submit statements of interest if you have qualifications data currently on file with INDOT's Consulting Services Unit or submit qualifications data with the statement of interest. A statement of interest must include a technical proposal, describing the capabilities and proposed method of completing the requested services.

Statements of interest must comply with the following requirements:

1. Submit statement of interest in a single sealed envelope.
2. Write the following information in the bottom left hand corner of the envelope containing the statements of interest:
 - a. "PSB - 2002 - No. 03"
 - b. Name of firm submitting statement of interest
 - c. Item number(s) for which the firm has enclosed the statement(s) of interest.
3. INDOT will not accept statements of interest sent collect or be responsible for the consultant's mailing and/or shipping costs.
4. For joint ventures, indicate the work and estimated percentage of the total project to be performed by each participant. If selected, all joint venture participants will be required to sign the INDOT consultant contract as wholly responsible parties.
5. Only statements of interest received by the Consulting Services Unit prior to:
4:00 P.M., Indianapolis time, March 1, 2002,
will be given consideration. Statements of interest received after the deadline will be returned to the consultant unopened.
6. Send statements of interest to:
Jodi Williams, Program Coordinator
Consulting Services Unit
Indiana Department of Transportation
100 North Senate Avenue, Room N730
Indianapolis, Indiana 46204-2249

The Indiana Department of Transportation will ensure that all certified Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any consultant on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

All consultants selected to provide services shall be required to comply with the following:

A. INDOT Disadvantaged Business Enterprise Program:

1. General

- a. Notice is hereby given to the consultant or subcontractor that failure to carry out the requirements set forth in 49 CFR, Part 26 shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the state deems appropriate.
- b. The referenced section requires the following policy and disadvantaged business enterprise (DBE) obligation to be included in all subsequent agreements between the consultant and any subcontractor:
 - (1) It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this contract. Consequently, the DBE requirements of 49 CFR Part 26 will apply to any contract entered into as a result of this "Professional Services Bulletin".
 - (2) The consultant agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under contracts with INDOT. In this regard, the consultant shall take all necessary and reasonable steps, in accordance with 49 CFR Part 26, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The consultant shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally-assisted contracts.
 - (3) In accordance with the STURAA of 1987, women business enterprises (WBE) have been considered to be socially and economically disadvantaged; therefore the DBE program has been combined.
- c. As part of the consultant's equal opportunity affirmative action program, it is required that the consultant shall take positive affirmative actions and put forth good faith efforts to solicit statements of interest from and to utilize disadvantaged business enterprise subcontractors, vendors or suppliers.

2. Definitions

The following definitions apply to this section:

- a. "Disadvantaged Business Enterprise" or DBE means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- b. "Small Business Concern" means a small business concern as defined pursuant to section 3 of the Small Business Act and SBA regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Sec. 26.65(b).
- c. "Socially and Economically Disadvantaged Individuals" means (i) any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis; or (ii) any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (1) Black Americans which includes persons having origins in any of the Black racial groups of Africa;

- (2) Hispanic Americans which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (3) Native Americans which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (4) Asian-Pacific Americans which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (5) Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- (6) Women;
- (7) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

3. Subcontracts

- a. If the consultant intends to subcontract a portion of the work, the consultant is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
- b. The contracts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to INDOT and the Federal Highway Administration when requested.
- c. In those cases where the consultant originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contracts covered under paragraphs 3.a. and 3.b. of this section shall be performed.
- d. No subletting will be approved until the consultant demonstrates compliance with paragraphs 3.a. and 3.b. of this section by submitting Form DBE-2 when subcontracts with non-DBE firms are proposed.

4. Affirmative Actions

The consultant agrees to establish and conduct a program which will enable disadvantaged business enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the consultant shall:

- a. Designate a liaison officer who will administer the consultant's disadvantaged business enterprise program.
- b. Ensure that known disadvantaged business enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of disadvantaged business enterprises.
- c. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of disadvantaged business enterprises, (2) awards to disadvantaged business enterprises on the source list and, (3) specific efforts to identify and award contracts to disadvantaged business enterprises.
- d. Cooperate with the state in any studies and surveys of the consultant's disadvantaged business enterprise procedures and practices that the state may from time to time conduct.
- e. Submit periodic reports of subcontracting to known disadvantaged business enterprises with respect to the records referred to in subparagraph (3) above, in such form and manner and at such times as the state may prescribe.

5. Leases and Rentals

The consultant shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transaction, and the type of purchase made or type of equipment rented.

- 6. Your firm will not be considered a disadvantaged business enterprise (DBE) unless it is currently certified by the Indiana Department of Transportation. If you feel your firm qualifies, please contact Charlotte A.

Leavell, Division Chief of the Civil Rights Division, Room N855 of the Indiana Government Center North, Indianapolis, Indiana 46204, to obtain the proper forms.

B. Drug-Free Workplace Certification

A certification is required by Executive Order No. 90-5, April 12, 1990, issued by the Governor of Indiana as a requirement on all contracts and grants with the state of Indiana in excess of \$25,000.00. No award of a contract or grant shall be made, and no contract, purchase order or agreement shall be valid unless and until a certification has been fully executed by the consultant and attached to the contract or agreement as part of the contract documents. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract payments, termination of the contract or agreement and/or debarment of contracting opportunities with the state for up to three (3) years.

By signing the certification, which will be attached to the consultant contract, the consultant certifies and agrees that it will provide a drug-free workplace by:

- (a) Publishing and providing all employees engaged in the performance of the contract a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the consultant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establishing a drug-free awareness program to inform such employees about (1) the dangers of drug abuse in the workplace; (2) the consultant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;
- (c) Notifying such employees in the statement required by subparagraph (a) above that as a condition of continued employment on the contract resulting from this solicitation, the employee will (1) abide by the terms of the statement; and (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (d) Notifying in writing the Indiana Department of Administration within ten (10) days after receiving notice under subdivision (c)(2) above, from an employee or otherwise receiving actual notice of such conviction;
- (e) Within thirty (30) days after receiving notice under subdivision (c)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
- (f) Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (a) through (e) above.

Before any contract will be made, the consultant must agree to the above terms. A certification agreeing to such will be attached to each consultant contract which must be signed by the consultant.

C. Facilities Capital Cost of Money (September 1987)

1. Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in subparagraph 31.205-10(a)(2) of the Federal Acquisition Regulation are met. One of the allowability criteria requires the prospective contractor to propose facilities capital cost of money in its offer.
2. If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

Selection of consultants by the Indiana Department of Transportation is not based on competitive bidding. Selections are based upon the list of evaluation factors included with the request for proposal.

All firms submitting a statement of interest in response to this Professional Services Bulletin will be notified after the consultant selection has been approved.

Item #1

The Public Transit Section (PTS) requests consulting services for a qualified firm to conduct Section 5311 Program Compliance Reviews. The Section 5311 Program is a Federal Transit Administration Program that is administered by the State. The program is for public transportation projects in nonurbanized areas. The program funds may be used for operating and capital assistance for local public bodies and nonprofit organizations.

The PTS would like to secure the services of a knowledgeable and experienced consultant. The consultant will be responsible for conducting compliance reviews for our Section 5311 sub-grantees, which will include the following:

- Identifying the areas of program non-compliance.
- Providing technical assistance to our sub-grantees and INDOT.
- Conducting an exit interview with each sub-grantee.
- Submitting a final written report to INDOT for each compliance review.

The PTS would like the consultant to be able to begin work on the project by July 1, 2002. The Scope of Work and General Requirements are attached. Please contact me at 232-5292 if you have any questions regarding this request.

Scope of Work

The consultant is expected to conduct up to 30 compliance reviews. The consultant will conduct on-site compliance reviews throughout Indiana and include exit interviews with transit officials and personnel. The onsite review will included but not be limited to the following categories:

Finance/Accounting

- General Accounting Practices
- Cash Handling
- Accounting for Prepaid Revenues
- Internal Controls
- Accounting/Finance Interaction with Management

Administration

- Continuing Control
- Procurement
- Planning
- Marketing

Maintenance & Safety

- Equipment Inventory
- Equipment Maintenance
- Facility Maintenance
- Safety

Federal Assurances

- Drug & Alcohol Program Compliance
- Americans with Disabilities Act

Civil Rights/Disadvantage Business Enterprises

State Assurances

General Requirements

The consultant will document the results of the compliance reviews in writing. The consultant will conduct an exit interview with the transit system's officials to discuss the compliance review. A draft final report and a final report must be submitted to the PTS for each review. The report will include findings of the compliance review. The consultant will also provide technical assistance to the sub-grantee and the PTS on public transportation issues.

Project Timetable

Work is anticipated to begin by July 1, 2002. The term of completion is to be two years from the notice to proceed.

Method of Payment

The method of payment for the contract will be cost plus fixed fee.

Proposal Requirements

The proposal shall include the following information in a clear, comprehensive and concise manner to illustrate the consultant's management and technical capabilities:

1. Firm's name, business address, telephone, e-mail, and fax number
2. Project approach, description, and timetable
3. Contact/Lead person, other project principals and technical staff assigned (including background qualifications and expertise, etc.)
4. Description of past experience with similar projects, including sub-contractors qualification and references (contact person, company, and telephone number) of three clients with similar projects
5. Brief description of firm, firm's history, size, and qualifications, including areas of specialty
6. Amount of DBE participation

No compensation will be made to a consultant for a proposal presentation, interview, or other proposal costs.